IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 15514 of 2004

Between:

M/s. Balaji Rice Mill, Jankampet, Velpoor Mandal, Nizamabad District, rep

by Proprietor,
Sri Dau Dayal S/o Nathilal R/o Armoor, Nizamabad District

..... PETITIONER

AND

1 Employees Provident Fund Organization, Sub Regional Office, Nyalkal Road,

Nizamabad-503 001, rep by Assistant Provident Fund Commissioner
2 Recovery Officer, Employees Provident Fund Organization, Sub Regional

Office, Nyalkal Road, Nizamabad-503 001.
3 Enforcement Officer (R), Employees Provident Fund Organization Sub

Regional Office, Nyalkal Road, Nizamabad-503 001

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the respondents and issue an appropriate Writ, order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the action of the 2nd respondent in issuing warrant of Attachment of Movable Property by proceedings No. AP/SRO/NZB/RECO/34173/2004-05 dated 13-7-2004 as illegal, unjust, contrary to law, arbitrary, in violation of principles of natural justice

and without jurisdiction, and grant all consequential benefits.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: MR.R.N.REDDY

The Court at the admission stage made the following Order:

ORDER:

The only grievance of the petitioner in this Writ Petition is that without assessing him under the provisions of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952, (for short 'the Act'), second respondent issued Warrant of Attachment of Movable Property in Proceedings No.AP/SRO/NZB/RECO/34173/2004-05,dated13-07-2004, which is arbitrary and illegal.

2. On receiving warrant of attachment of movable property, petitioner got issued legal notice to the second respondent stating that no notice whatsoever was given to him at any point of time prior to the issuance of the said warrant of attachment and requested the second respondent to furnish detailed information. Though second respondent acknowledged the legal notice, failed to furnish the information; aggrieved by the same, the present Writ Petition has been filed.

3. In view of the same, respondents are hereby directed to furnish all the particulars whether the petitioner-establishment was assessed under the provisions of the Act, within a period of two weeks from the date of receipt of a copy of this order and till such particulars are furnished, pursuant to the warrant of attachment, impugned proceedings cannot be proceeded with.

The Writ Petition is accordingly disposed of. No costs.

A. **GOPAL REDDY, J**

August 31, 2004

MRR/MURTHY

To:

1 Assistant Provident Fund Commissioner, Employees Provident Fund

Organization, Sub Regional Office, Nyalkal Road, Nizamabad-5003 001,
2 Recovery Officer, Employees Provident Fund Organization, Sub Regional

Office, Nyalkal Road, Nizamabad-503 001.
3 Enforcement Officer (R), Employees Provident Fund Organization Sub

Regional Office, Nyalkal Road, Nizamabad-503 001.

4 Two C.D. Copies.